



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

12 February 2010

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.nasa.gov/offices/rrac/home/>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 (sharon.scroggins@nasa.gov).

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Acronyms

CAEATFA = California Alternative Energy and Advanced
Transportation Financing Authority
CCR = *California Code of Regulations*
CCS = Carbon Capture and Storage
CFR = *Code of Federal Regulations*
chRD = Child-specific reference dose
CO₂ = Carbon dioxide
CRNR = California Regulatory Notice Register
CT = Central time
CWA = Clean Water Act
DAPC = Division of Air Pollution Control (Ohio)
DAR = Division of Administrative Rules
DEQ = Department of Environmental Quality (Louisiana)
DOT = U.S. Department of Transportation
EPA = U.S. Environmental Protection Agency
F.A.C. = Florida Administrative Code
F.S. = Florida Statutes
FAW = *Florida Administrative Weekly*
FDEP = Florida Department of Environmental Protection
FR = *Federal Register*
GHG = Greenhouse gas
GSE = Ground support equipment
IR = Integrated Report
JPL = Jet Propulsion Laboratory
LAC = Louisiana Administrative Code
MAF = Michoud Assembly Facility
Md.R. = *Maryland Register*
MDE = Maryland Department of the Environment
NAAQS = National Ambient Air Quality Standards
NASA = National Aeronautics and Space Administration
NO₂ = Nitrogen dioxide

OAC = Ohio Administrative Code
OEHHA = Office of Environmental Health Hazard
Assessment
OEPA = Ohio Environmental Protection Agency
OSHA = Occupational Safety and Health Administration
PEL = Permissible exposure limit
PM2.5 = Particulate matter less than 2.5 micrometers
PM10 = Particulate matter less than 10 micrometers
ppb = Parts per billion
PSD = Prevention of significant deterioration
RFS = Renewable fuel standard
RIN = Regulatory Identification Number
RRAC PC = Principal Center for Regulatory Risk Analysis
and Communication
SJRWMD = St. Johns River Water Management District
SSO = Sanitary sewer overflow
TCEQ = Texas Commission on Environmental Quality
TMDL = Total maximum daily load
TSCA = Toxic Substances Control Act
UAC = Utah Administrative Code
UDAQ = Utah Division of Air Quality
U.S. = United States
USDA = U S Department of Agriculture
UST = Underground storage tank
Va.R. = *Virginia Register*
VAC = Virginia Administrative Code
VDEQ = Virginia Department of Environmental Quality
VPDES = Virginia Pollutant Discharge Elimination System
WCI = Western Climate Initiative

1.0 U.S. Federal Regulatory Review

1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02122010-1	Air Health Effects	02/10/2010	75 FR 6658	Notice	Science Advisory Board Staff Office; Notification of a Public Teleconference of the Health Effects Subcommittee of the Advisory Council on Clean Air Compliance Analysis Announces a public teleconference of the Health Effects Subcommittee of the Advisory Council on Clean Air Compliance Analysis to discuss its draft peer review report on EPA's health benefits analyses and uncertainty analyses in the Second Section 812 Prospective Benefit-Cost Study of the Clean Air Act . Teleconference to be held 03/02/2010.	
FED02122010-2	Air NAAQS-NO ₂	02/09/2010	75 FR 6473	Final Rule	Primary National Ambient Air Quality Standards for Nitrogen Dioxide [40 CFR Parts 50 and 58] Revises the primary NAAQS for NO ₂ . Establishes a new 1-hour standard at a level of 100 ppb to supplement the existing annual standard. Establishes requirements for an NO ₂ monitoring network that will include monitors at locations where maximum NO ₂ concentrations are expected to occur, including within 50 meters of major roadways, as well as monitors sited to measure the area-wide NO ₂ concentrations that occur more broadly across communities. Effective 04/12/2010. [RIN 2060-AO19]	
FED02122010-3	Air PSD-Fugitive Emissions	02/11/2010	75 FR 6823	Proposed Rule	Prevention of Significant Deterioration and Nonattainment New Source Review: Reconsideration of Inclusion of Fugitive Emissions; Proposal for Additional Stay [40 CFR Parts 51 and 52] Proposes to put in place an additional stay of the inclusion of fugitive emissions requirements in the federal PSD program. The rule requires that fugitive emissions be included in determining whether a physical or operational change results in a major modification only for sources in certain industries. Existing stay is in effect until 03/31/2010. Proposes to extend the stay until 09/30/2011. Comments due 03/15/2010. If a hearing is requested by 02/22/2010, a hearing will be held 02/26/2010. [RIN 2060-AP73]	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02122010-4	Air PSD-PM2.5	02/11/2010	75 FR 6827	Proposed Rule	<p>Implementation of the New Source Review Program for Particulate Matter Less Than 2.5 Micrometers; Notice of Proposed Rulemaking To Repeal Grandfathering Provision and End the PM10 Surrogate Policy [40 CFR Part 52]</p> <p>Proposes to end EPA's policy that allows sources and permitting authorities to use a demonstration of compliance with the PSD requirements for PM10 as a surrogate for meeting the PSD requirements for PM2.5. Comments due 03/10/2010. If a hearing is requested by 02/22/2010, a hearing will be held 02/26/2010. [RIN 2060-AP75]</p>	Facilities that are PM 2.5 sources should be aware of this proposal.
FED02122010-5	Emergency Response Disaster Recovery	02/10/2010	75 FR 6681	Notice	<p>Federal Emergency Management Agency</p> <p>National Disaster Recovery Framework</p> <p>Requests comments on the draft National Disaster Recovery Framework. The National Disaster Recovery Framework is intended to work in concert with the National Response Framework to provide organizing constructs and principles solely focused on disaster recovery. Recognizing the continuum between preparedness, response, recovery, and mitigation, the National Disaster Recovery Framework transitions with and continues beyond the scope of the National Response Framework. Comments due 02/26/2010.</p> <p>Further information is available on the National Disaster Recovery Working Group website.</p>	
FED02122010-6	Energy Smart Grid	02/09/2010	75 FR 6414	Notice	<p>Office of Science and Technology Policy</p> <p>Consumer Interface With the Smart Grid</p> <p>Requests input regarding the consumer interface with the modernized electric grid ("Smart Grid"). Seeks comments about issues related to Smart Grid implementation options, including the ways in which each option would support open innovation in home energy services. Comments due 02/19/2010.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02122010-7	Hazardous Material Transportation Packaging	02/02/2010	75 FR 5375	Final Rule	<p>Pipeline and Hazardous Materials Safety Administration</p> <p>Hazardous Material; Miscellaneous Packaging Amendments [49 CFR Parts 171, 172, 173, 174, and 178]</p> <p>Amends packaging requirements in the Hazardous Materials Regulations. Changes include the following:</p> <ul style="list-style-type: none"> Revises several packaging-related definitions. Adds provisions to allow more flexibility when preparing and transmitting closure instructions. Adds a requirement for shippers to retain packaging closure instructions. Incorporates new language that will allow for a practicable means of stenciling the "UN" symbol on packagings. Clarifies a required change in packaging configuration. <p>Also incorporates requirements for construction, maintenance, and use of Large Packagings. Effective 10/01/2010. Voluntary compliance date 03/04/2010. [RIN 2137-AD89]</p>	
FED02122010-8	Nanotechnology Carbon Nanotubes	02/03/2010	75 FR 5546	Proposed Rule	<p>Proposed Significant New Use Rule for Multi-walled Carbon Nanotubes [40 CFR Part 721]</p> <p>Proposes a significant new use rule for multi-walled carbon nanotubes. Would require persons who intend to manufacture, import, or process carbon nanotubes for an activity that is designated as a significant new use by this proposed rule to notify EPA at least 90 days before beginning that activity. Comments due 03/05/2010. [RIN 2070-AB27]</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02122010-9	Occupational Safety Acetylene	02/04/2010	75 FR 5707	Proposed Rule	Occupational Safety and Health Administration Revising Standards Referenced in the Acetylene Standard [29 CFR Part 1910] Withdraws proposed rule (74 FR 40449 , 08/11/2009) that accompanied direct-final rule (74 FR 40441 , 08/11/2009) revising the Acetylene Standard by updating incorporated references. In the direct-final rule, OSHA stated that it would withdraw the companion proposed rule and confirm the effective date of the direct-final rule if it received no significant adverse comments by 09/10/2009. OSHA received eight comments on the direct-final rule by that date, which it determined were not significant adverse comments. Accordingly, OSHA is not proceeding with the proposed rule and is withdrawing it from the rulemaking process; withdrawn as of 02/04/2010. The direct-final rule was confirmed effective as of 11/09/2009 (74 FR 57883 , 11/10/2009). [RIN 1218-AC08]	
FED02122010-10	Occupational Safety Explosives	02/03/2010	75 FR 5545	Proposed Rule Termination	Occupational Safety and Health Administration Explosives [29 CFR Part 1910] Terminates rulemaking to amend the Explosives and Blasting Agents Standard because of limited rulemaking resources, which currently are devoted to higher priority projects. Rulemaking terminated 02/03/2010. [RIN 1218-AC09]	
FED02122010-11	Policy Carbon Capture and Storage	02/05/2010	75 FR 6087	Memorandum	Office of the President A Comprehensive Federal Strategy on Carbon Capture and Storage Establishes an Interagency Task Force on CCS. Charges the task force with developing a proposed plan by 08/04/2010 to overcome the barriers to the widespread, cost-effective deployment of CCS within 10 years, with a goal of bringing 5 to 10 commercial demonstration projects online by 2016. Plan should explore incentives for CCS adoption and address any financial, economic, technological, legal, institutional, social, or other barriers to deployment. Task Force should consider how best to coordinate existing administrative authorities and programs, as well as to identify areas where additional administrative authority may be necessary.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02122010-12	Policy Science and Technology	02/03/2010	75 FR 5634	Notice	<p>Office of Science and Technology Policy</p> <p>Grand Challenges of the 21st Century; Request for Information</p> <p>Regarding the "Strategy for American Innovation," requests information on the following:</p> <ul style="list-style-type: none"> ▪ Grand challenges that were identified in the strategy document ▪ Other grand challenges that the Administration should consider ▪ Partners (e.g., companies, investors, foundations, social enterprises, non-profit organizations, philanthropists, research universities, consortia, etc.) that are interested in collaborating with each other and the Administration to achieve one or more of these goals ▪ Models for creating an "architecture of participation" that allows many individuals and organizations to contribute to these grand challenges. <p>Responses due 04/15/2010.</p>	
FED02122010-13	Procurement Biobased Products	02/01/2010	75 FR 5033	Notice	<p>U. S. Department of Agriculture</p> <p>Departmental Management; Public meeting on BioPreferredSM Complex Products and Assemblies Designation and Industry Training on Selling Biobased Products to the Federal Government</p> <p>Announces a public meeting to discuss the issue of complex assembly products that contain biobased materials and components. Complex assembly products are made of distinct materials and components where some or all of the components contain biobased materials. One example of a complex assembly product is an office chair where the seat cushion, fabric, seat base, and plastic molding are produced using biobased materials. Pertains to the designation of biobased products for a federal procurement preference and the potential implications for complex assembly products under the pending "USDA Certified Biobased Product" labeling program. Meeting to be held 02/24/2010 in Riverside, California.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02122010-14	Procurement Biobased Products	0/210/2010	75 FR 6795	Proposed Rule	<p>Office of Energy Policy and New Uses, U.S. Department of Agriculture</p> <p>Designation of Biobased Items for Federal Procurement [7 CFR Part 2902]</p> <p>Proposes to amend the Guidelines for Designating Biobased Products for Federal Procurement to designate the following items that must be given federal procurement preference:</p> <ul style="list-style-type: none"> ▪ Disposable tableware ▪ Expanded polystyrene foam recycling products ▪ Heat transfer fluids ▪ Ink removers and cleaners ▪ Mulch and compost materials ▪ Multipurpose lubricants ▪ Office paper ▪ Topical pain relief products ▪ Turbine drip oils <p>Also proposes minimum biobased contents for each of these items. Comments due 04/12/2010. [RIN 0503-AA34]</p> <p>Note that spaceflight hardware is exempt from the biobased preference requirements, but support facilities and some GSE are not exempt.</p>	
FED02122010-15	Railroads Toxic Substances Transportation	02/02/2010	75 FR 5261	Proposed Rule	<p>Surface Transportation Board</p> <p>Waybill Data Reporting for Toxic Inhalation Hazards [49 CFR Part 1244]</p> <p>Proposes to amend rules regarding Waybill Sample information that railroads are required to submit. Currently, railroads that are required to file Waybill Sample information report a random sample of as little as 1% of carloads on a waybill. Proposes to expand the information submitted to include all traffic movements designated as a Toxic Inhalation Hazard. Revised reporting would begin with the January 2011 Waybill Sample collection. Comments due 03/04/2010.</p>	
FED02122010-16	Species American Pika	02/09/2010	75 FR 6437	Notice	<p>U.S. Fish and Wildlife Service</p> <p>Endangered and Threatened Wildlife and Plants; 12-month Finding on a Petition to List the American Pika as Threatened or Endangered [50 CFR Part 17]</p> <p>Announces a 12-month finding on a petition to list the American Pika as threatened or endangered. Finding is that listing the American Pika, at the species level or any of the five recognized subspecies, is not warranted at this time.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED02122010-17	Species Leatherback Sea Turtle	02/01/2010	75 FR 5015	Notice	National Oceanic and Atmospheric Administration Endangered and Threatened Species; Public Hearing Notification [50 CFR Part 226] Announces two public hearings to answer questions and receive public comments on the proposed rule (75 FR 319 , 01/05/2010) to revise the critical habitat designation for the endangered leatherback sea turtle. Hearings to be held 02/17/2010 in Carlsbad, California, and 02/18/2010 in San Jose, California. [RIN 0648-AX06]	
FED02122010-18	Toxic Substances	02/02/2010	75 FR 5405	Notice	Sixty-Fifth Report of the TSCA Interagency Testing Committee to the Administrator of the Environmental Protection Agency; Receipt of Report and Request for Comments Notice of availability of the 65th Report of the TSCA Interagency Testing Committee. There are no revisions to the Priority Testing List. Comments due 03/04/2010.	
FED02122010-19	Toxic Substances Exposure	02/02/2010	75 FR 5317	Notice	Exposure Factors Handbook: 2009 Update Announces an external peer-review workshop to review the external review draft document titled, " Exposure Factors Handbook 2009 Update ." Handbook provides information about various physiological and behavioral factors commonly used in assessing exposure to environmental chemicals. Updated version incorporates data available since 1997 up to June 2009. It also reflects revisions made to the Child-Specific Exposure Factors Handbook, which was updated and published in 2008. Workshop to be held 03/03/2010 and 03/04/2010 in Arlington, Virginia.	

1.2 Other News and Developments

1.2.1 EPA Finalizes Renewable Fuel Standard Program

EPA finalized revisions to the National Renewable Fuel Standard program (commonly known as the RFS Program). The revisions, required by the Energy Independence and Security Act of 2007, establish new specific annual volume standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that must be used in transportation fuel. The revised statutory requirements also include new definitions and criteria for both renewable fuels and the feedstocks used to produce them, including new GHG emission thresholds as determined by lifecycle analysis. The regulatory requirements for RFS will apply to transportation fuels sold in the U.S., whether produced domestically or imported.

Further information regarding the RFS program can be found on EPA's [website](#).

1.2.2 DOT Proposes Amendments to Regulations for Shipping Lithium Batteries

DOT has proposed ([75 FR 1302](#)) additional safeguards for air shipments of lithium batteries and cells, including those packed with or contained in equipment.

In part, DOT proposes to eliminate some regulatory exceptions, to increase labeling and transport documentation requirements, to limit stowage locations on aircraft, and to apply new safety measures for transport.

For more detailed information regarding battery shipment requirements, visit DOT's [website](#). Additionally, the RRAC PC is developing a regulatory summary about the proposed rule. The summary will be available on the [RRAC website](#).

1.2.3 Western Climate Initiative

The WCI has scheduled several upcoming meetings and events, including the following:

- The WCI Partners Meetings will be held on 3 March 2010 in Vancouver, British Columbia, and 14 April 2010 in San Francisco, California.
- The WCI Partners will host a goods movement collaborative on 4 March 2010, in Vancouver, British Columbia.

See the WCI [Meetings and Events page](#) for further details.

1.3 Regulatory Communication Working Group Updates

Regulatory Communication Working Group Calls in 2010 will be held on the following Wednesdays at 12 p.m. CT:

- | | |
|---------------|----------------|
| • 24 February | • 21 July |
| • 17 March | • 11 August |
| • 7 April | • 1 September |
| • 28 April | • 22 September |
| • 19 May | • 24 November |
| • 9 June | • 15 December |
| • 30 June | |

2.0 State Regulatory Reviews

The following sections provide details about the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

2.1 Alabama State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Alabama.

2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA02122010-1	Air Air Quality Designations	02/05/2010	CRNR 2010, 6z, p. 189	Proposed Rule Hearing	<p>Air Resources Board</p> <p>Area Designation for State Ambient Air Quality Standards [17 CCR 60201, 60203, 60207, 60210, 70300-6]</p> <p>Announces a hearing to consider amendments to the regulations establishing designation criteria, designating areas of California, and describing procedures for future amendments to the area designations. Documents associated with notice are available online. Public hearing 03/25/2010 and 03/26/2010. Comments due 03/24/2010.</p> <p>As proposed, this action could designate the South Coast Air Basin as nonattainment for NO₂ and that portion of Los Angeles County that is within the South Coast Air Basin as nonattainment for lead particulates.</p>	NASA/JPL should be aware of this action. Other California facilities should consider reviewing for potential applicability.
CA02122010-2	Drinking Water Benzo(a)pyrene and Styrene	02/05/2010	CRNR 2010, 6z, p. 194	Notice	<p>Office of Environmental Health Hazard Assessment</p> <p>Second Public Hearing Regarding Proposed Public Health Goals for Benzo(a)pyrene and Styrene in Drinking Water</p> <p>Announces hearing on the subject public health goals. Draft technical support documents are posted on the OEHA website. Comments due 03/15/2010.</p>	
CA02122010-3	Energy Alternative Energy Financing	02/05/2010	CRNR 2010, 6z, p. 221	Final Rule	<p>California Alternative Energy and Advanced Transportation Financing Authority</p> <p>Extension of Previously Adopted CAEATFA Emergency Regulations [4 CCR 10020]</p> <p>Readopts an emergency regulatory action that added a separate fee structure to establish alternative energy sources and technologies, among other projects, and lower the cost of financing these technologies. Effective 01/27/2010.</p>	
CA02122010-4	Occupational Safety Construction	02/12/2010	CRNR 2010, 7z, p. 261	Notice	<p>Occupational Safety and Health Standards Board</p> <p>Piling Materials [8 CCR 1549]</p> <p>Amends section to provide that material on balconies or in other similar elevated locations on the exteriors of buildings under construction shall be placed, secured or positively barricaded to prevent the material from falling. Effective 03/04/2010.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA02122010-5	Occupational Safety Exposure Limits	02/12/2010	CRNR 2010, 7z, p. 261	Notice	<p>Occupational Safety and Health Standards Board</p> <p>Airborne Contaminants [8 CCR 5155]</p> <p>Changes are being made to Table AC-1 to establish new permissible exposure limits to protect workers from exposure to hazardous substances and to amend existing limits for certain substances. Substances with new or amended limits include the following:</p> <ul style="list-style-type: none"> ▪ Allyl glycidyl ether ▪ Methyl Bromide ▪ 1-bromopropane, n-propyl bromide ▪ Coal (Bituminous) dust (<5% quartz, respirable fraction(n)) ▪ Cyclonite; RDX; cyclotrimethylenetrinitramine ▪ p-Dioxane, 1,4-dioxacyclohexane; 1,4-diethylene dioxide ▪ 2-Methoxyethanol ▪ Glyoxal, 1,2-ethanedione ▪ Methyl n-butyl ketone; 2-hexanone ▪ Methyl tert-butyl ether ▪ Methyl vinyl ketone ▪ Nickel metal and compounds ▪ Nickel subsulfide ▪ Ozone ▪ Refractory ceramic fiber ▪ Vinyl bromide; bromoethylene ▪ Vinyl cyclohexene dioxide ▪ Vinyl fluoride <p>Effective 08/03/2010.</p> <p>This list includes substances used in precision cleaning, insulation, and other industrial applications.</p>	NASA programs with operations in California should be aware of this action.
CA02122010-6	Oil Spills	02/12/2010	CRNR 2010, 7z, p. 261	Notice	<p>Office of Spill Prevention and Response</p> <p>Certificates of Financial Responsibility [14 CCR 791.7, 792]</p> <p>Streamlines the regulations and forms governing the application process for a Certificate of Financial Responsibility for transferors, transporters, and owners of oil in California marine waters or in locations that could affect California marine waters. Effective 01/29/2010.</p>	
CA02122010-7	Proposition 65	02/05/2010	CRNR 2010, 6z, p. 195	Notice	<p>Office of Environmental Health Hazard Assessment</p> <p>Chemicals Known to the State to Cause Cancer or Reproductive Toxicity</p> <p>Consolidated listing of the chemicals known to the State of California to cause cancer or reproductive toxicity with revisions noted. Further information is available on the OEHHA website.</p>	
CA02122010-8	Proposition 65 Bisphenol-A	02/12/2010	CRNR 2010, 7z, p. 252	Notice	<p>Office of Environmental Health Hazard Assessment</p> <p>Request for Relevant Information on a Chemical Being considered for Listing by the Authoritative Bodies Mechanism: Bisphenol-A.</p> <p>Solicits information for use in deciding whether to list bisphenol-A as known to the State of California to be a reproductive toxicant. Further information is posted on the OEHHA website. Comments due 04/13/2010.</p> <p>Bisphenol-A is a component of epoxy resins and polycarbonates, and is used in the synthesis of other materials. Listing it as a reproductive toxicant could contribute to obsolescence, but it would likely be primarily related to materials such as water bottles, food can coatings, polymeric dental fillings, etc.</p>	NASA programs with operations in California should be aware of this action.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA02122010-9	Proposition 65 Bromochloroacetic Acid and Cumene	02/05/2010	CRNR 2010, 6z, p. 213	Proposed Action	<p>Office of Environmental Health Hazard Assessment</p> <p>Notice of Intent to List Bromochloroacetic Acid and Cumene</p> <p>Announces intent to add bromochloroacetic acid and cumene to the list of chemicals known to the State of California to cause cancer. Further information is available on the OEHA website. Comments due 03/08/2010.</p> <p>Bromochloroacetic acid is a water disinfection byproduct. Cumene is used in the production of numerous chemicals and occurs naturally in petroleum and some foods.</p>	
CA02122010-10	Proposition 65 Carbaryl	02/05/2010	CRNR 2010, 6z, p. 195	Final Action	<p>Office of Environmental Health Hazard Assessment</p> <p>Chemicals Listed Effective February 5, 2010 as Known to the State of California to Cause Cancer</p> <p>Final action to list carbaryl as a chemical known to the State of California to cause cancer. Further information is available on the OEHA website. Effective 02/05/2010.</p> <p>Carbaryl is primarily used in insecticides.</p>	
CA02122010-11	Proposition 65 Diclofop-Methyl and Epoxiconazole	02/05/2010	CRNR 2010, 6z, p. 215	Proposed Action	<p>Office of Environmental Health Hazard Assessment</p> <p>Notice of Intent to List Diclofop-Methyl and Epoxiconazole</p> <p>Announces intent to add diclofop-methyl and epoxiconazole to the list of chemicals known to the State of California to cause cancer. Further information is available on the OEHA website. Comments due 03/08/2010.</p> <p>Diclofop-methyl is primarily used as a herbicide; epoxiconazole is used as a fungicide.</p>	
CA02122010-12	Shipping Ballast Water	02/05/2010	CRNR 2010, 6z, p. 180	Notice	<p>State Lands Commission</p> <p>Reporting Requirements for Performance Standards [2 CCR 2297.1]</p> <p>Proposes to require the submittal of information regarding the installation and use of ballast water systems on board vessels. Comments due by 03/22/2010.</p>	
CA02122010-13	Water Upper Santa Clara River Chloride TMDL	02/05/2010	CRNR 2010, 6z, p. 225	Final Rule	<p>State Water Resources Control Board</p> <p>Upper Santa Clara River Chloride TMDL Revision and Chloride SSOs [23 CCR 3939.10]</p> <p>Establishes an alternative TMDL implementation plan for chloride for the Upper Santa Clara River for Los Angeles and Ventura counties, which establishes conditional site-specific objectives for chloride, waste load allocations for water reclamation treatment, and waste load allocations for sulfate and total dissolved solids. Effective 01/26/2010.</p>	

2.3 Colorado State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Colorado.

2.4 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL02122010-1	Waste Composting	02/05/2010	FAW Notices #8255881, #8255978, #8262671, #8256172, #8256269, #8256366, #8256560, #8257045, #8257530, and #8257627	Final Rule	Chapter 62–FDEP 709–Criteria for the Production and Use of Compost Made from Solid Waste Final rule amends Chapter 62-709, F.A.C., which contains regulations for processing yard trash and for composting solid waste. Effective 02/15/2010.	
FL02122010-2	Water Nutrient Water Quality Criteria	02/12/2010	FAW Notice #8251419	Notice Meeting	Chapter 62–FDEP–Numeric Nutrient Criteria Technical Advisory Committee Announces a meeting to continue discussion of numeric nutrient criteria for Florida's waters and will specifically discuss EPA's proposed numeric nutrient criteria proposal for Florida's lakes and flowing waters, including canals, that was published on 01/26/2010 [75 FR 4173]. The meeting is scheduled for 03/10/2010 in Tallahassee, Florida.	
FL02122010-3	Water Nutrient Water Quality Criteria	02/12/2010	FAW Notice #8251031	Notice Meeting	Chapter 62–FDEP–Numeric Nutrient Criteria Announces a meeting to discuss the EPA proposed [75 FR 4173] numeric nutrient criteria for lakes and flowing waters, including canals, in Florida. FDEP plans to respond to questions on the proposed criteria, including questions raised by the public during EPA's public hearings, scheduled for 02/16 through 02/18/2010. The meeting is scheduled for 02/23/2010 in Orlando, Florida.	
FL02122010-4	Water SJRWMD	02/05/2010	FAW Notice #8255493	Final Rule	Chapter 40C–SJRWMD 4–Environmental Resource Permits: Surface Water Management Systems Final rule clarifies the availability of informal wetland determinations under Section 12.5.6 of the Applicant's Handbook: Management and Storage of Surface Waters. Amendments clarify that informal wetland determinations are discretionary, non-binding, available only to persons or entities with a legal or equitable interest in the land or power of eminent domain, and are limited to a parcel of property that does not exceed 1 acre. Effective 02/16/2010.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL02122010-5	Water SJRWMD	02/05/2010	FAW Notice #8255299	Final Rule	Chapter 40C–SJRWMD 1–Organization and Procedure Final rule amendments include the following: <ul style="list-style-type: none"> ▪ Increase the fee for all noticed general environmental resource permits to \$250. ▪ Create a \$100 fee for SJRWMD verification that an activity is exempt from regulation. ▪ Create a \$100 fee for an informal wetland boundary determination. ▪ Increase each application fee authorized under Part IV of Chapter 373, F.S., based on a Consumer Price Index. ▪ Establish the Consumer Price Index used for calculating fee increases. ▪ Clarify that the application fee for proprietary authorization to use state-owned lands under Chapters 253 and 258, F.S., are provided in Chapter 18-21, F.A.C. Effective 02/16/2010.	
FL02122010-6	Water Surface Water Quality	02/05/2010	FAW Notice #8242301	Notice Workshop	Chapter 62–FDEP 302–Surface Water Quality Standards Announces a public workshop to address proposed revisions to the existing surface water classification system in Rule 62-302.400, F.A.C., Classification of Surface Waters, Usage, Reclassification, and Classified Waters, and 62-302.530, F.A.C., Table: Surface Water Quality Criteria. Proposed revisions are based on recommendations resulting from three previous workshops that were held on 08/18/2009, 11/18/2009, and 01/07/2010. No surface waters are proposed for reclassification as part of this rulemaking. The workshop will be held 02/22/2010 in Orlando, Florida.	

2.5 Louisiana State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Louisiana.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA02122010-1	Administrative DEQ Notifications	02/19/2010	MM012	Proposed Rule	Louisiana Department of Environmental Quality DEQ Notifications to State Police [LAC 33:1.3913, 3915, 3917, 3923, 3925; VII.315, 713; XI.713] Proposes miscellaneous revisions to the notification and reporting procedures in the Office of the Secretary, Solid Waste, and Underground Storage Tank Regulations. A public hearing will be held in Baton Rouge, Louisiana, on 03/30/2010. Comments due 04/06/2010.	
LA02122010-2	Air Greenhouse Gas Emissions	02/19/2010	1002Pot1	Notice	Louisiana Department of Environmental Quality Regulation of Greenhouse Gas Emissions and Title V Applicability [LAC 33: III] Requests owners or operators of facilities operating under any type of permit to notify the Air Permits Division if GHG emissions from the facility equal or exceed 25,000 tons per year of CO ₂ . Correspondence deadline is 03/31/2010.	MAF should be aware of this requirement.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA02122010-3	Tanks UST Operators	02/19/2010	UT017	Final Rule	Louisiana Department of Environmental Quality Training Requirements for Underground Storage Tank System Operators [LAC 33:XI.601, 603, 605, 607, 609, and 611] Requires training for all operators of UST facilities by 08/08/2012. Defines three classes of operators, lists the acceptable training and certification processes for each class, establishes a phase-in schedule for operators to attend training, and requires that UST owners maintain documentation of certification of operators. Effective 02/29/2010.	

2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD02122010-1	Administrative Permit Schedule	02/12/2010	37:4 Md.R. 382	Notice	Maryland Department of the Environment Proposed Calendar Year 2010 Standard Permit Application Turnaround Times Proposes to revise the standard turnaround times for all types of permit applications for calendar year 2010, including, but not limited to, the following: <ul style="list-style-type: none"> General Permit for Stormwater Associated with Construction Activity—contains the new general permit with new public notification procedures; increases time from 2 days to 60 days for minor projects and 90 days for major projects. Individual Permit for Stormwater Associated with Construction Activity—includes new requirements for certain construction sites to obtain individual permits for discharges of stormwater with 6-month turnaround time. Individual Permit for Wastewater Discharges—increases approval time from 9 months to 12 months for minor facilities and 12 months to 18 months for major facilities. 	
MD02122010-2	Water Draft Integrated Report	02/12/2010	37:4 Md.R. 381	Notice	Maryland Department of the Environment Maryland's Draft 2010 Integrated Report The Draft 2010 IR is available for public review. The biennial report publishes a list of waters not meeting the water quality standards set for them, in accordance with the federal CWA. The Draft IR and further information are available on MDE's website . Informational public meetings are scheduled as follows: <ul style="list-style-type: none"> 02/24/2010—Western Maryland Region, Williamsport, Maryland 03/11/2010—Eastern Shore Region, Easton, Maryland 03/11/2010—Central Region, Baltimore, Maryland Comments due 03/26/2010.	

2.6.1 Recent Actions, Maryland General Assembly

Several bills have been introduced in the Maryland General Assembly, including those listed below. Additional information can be found on the [Maryland General Assembly-Bill Information and Status](#) page:

- **HB0237–Onsite Sewage Disposal Systems–Funding Availability.** Would specify prohibitions on the installation or replacement of specified onsite sewage disposal systems in specified areas subject to the availability of specified funds.
- **HB0422–Lead Paint Renovation Training–Regulatory Authority.** Would authorize MDE to adopt regulations regarding specified renovation activities resulting in the disturbance of paint in a building built before 1978 and would authorize MDE to exempt certain activities and buildings from regulation.
- **SB0281–Motor Vehicle Excise Tax–Tax Credit for Electric Vehicles.** Would allow a tax credit against the motor vehicle excise tax for qualified plug-in electric vehicles.
- **SB0333–Permits to Construct Incinerators–Limitation on Issuance near National Parks.** Would prohibit issuance of permits to construct incinerators within 1 mile of a battlefield, wildlife, or a recreational area in the National Park System and would exempt the Baltimore-Washington Parkway.
- **SB0420–Stormwater Management–New Development and Redevelopment Projects.** Would make specified stormwater management regulations applicable to all new development and redevelopment projects that do not have final approval for erosion and sediment control and stormwater management plans by 4 May 2020.

2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

2.8 New Mexico State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of New Mexico.

2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH02122010-1	Air Open Burning	02/01/2010	Public Notice	Final Action	Division of Air Pollution Control, OEPA Approved permission for Open Burning [OAC Chapter 3745-19] Record of approved permission for open burning in accordance with OAC Chapter 3745-19 for Plum Brook Station.	Plum Brook Station should be aware of the action.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH02122010-2	Air Title V Permitting	02/03/2010	OEPA DAPC News	Final Rule	Division of Air Pollution Control, OEPA Final Amendments to OAC Chapter 3745-77 Adopts amendments to the Title V Permit Rules to incorporate adjustments to implementation, such as supporting transition out of Title V, and updates to reflect certain federal updates to 40 CFR Part 70 that have been made since the previous review of the rules. Further details regarding the final rule, including the Public Notice of Adoption , are available on the OEPA website . Effective 02/10/2010.	

2.9.1 Quarterly Newsletter Available

The OEPA Division of Hazardous Waste Management has published the [Winter 2010 Notifier](#) Quarterly Newsletter. This issue includes the following articles:

- OEPA gets Thumbs-Up from EPA
- Business as Usual? Hazardous Waste Tips for Retailers
- eDRUMS Update
- Save the Date: Compliance Assistance Conference Announced
- Federal Rule Making Update
- Greener Cleanup Works

2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register*. Current and historical versions of the *Texas Register* can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX02122010-1	Water Integrated Report for Clean Water Act Sections 305(b) and 303(d)	02/05/2010	35 TexReg 928	Notice	Texas Commission on Environmental Quality Draft 2010 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d) Announces the availability of the Draft 2010 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d) . The report is an overview of the status of surface waters in the state. Factors considered in evaluating the status of water bodies include concerns for public health, fitness for use by aquatic species and other wildlife, and specific pollutants and their possible sources. In addition, a draft summary is provided of water bodies that do not support beneficial uses or water quality criteria and those water bodies that demonstrate cause for concern. The report is used by the TCEQ to support water quality management decisions including monitoring; water quality standards revisions; TMDL development; and planning, implementing, and funding best management practices to control pollution sources. Comments due 03/08/2010.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX02122010-2	Water Water Quality Management Plan	02/05/2010	35 FR 922	Notice	Texas Commission on Environmental Quality Notice of Availability of the Draft January 2010 Update to the Water Quality Management Plan Announces the availability of the draft January 2010 Update to the Water Quality Management Plan for the State of Texas . Comments due 03/08/2010.	

2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA related operations in Utah.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT02122010-1	Air Lead-based Paint	02/01/2010	UT Bull. Vol. 2010-3; DAR File No. 33308	Proposed Rule	Utah Division of Air Quality; Utah Department of Environmental Quality Air Quality; Lead-Based Paint Accreditation, Certification and Work Practices Standards [UAC R307-840] Proposes to revise UAC R307-840 to incorporate several changes to federal requirements (40 CFR 745). Public hearing is scheduled for 02/25/2010 at UDEQ in Salt Lake City, Utah. Comments due 03/03/2010.	
UT02122010-2	Air Lead-based Paint	02/01/2010	UT Bull. Vol. 2010-3; DAR File No. 33309	Proposed Rule	Utah Division of Air Quality; Utah Department of Environmental Quality Air Quality; Residential Property and Child-Occupied Facility Renovation [UAC R307-841] Proposes to revise requirements for notification, work practice standards, and certifications for renovations involving removal of lead-based paint in child-occupied facilities and certain residential properties. Public hearing is scheduled for 02/25/2010 at UDEQ in Salt Lake City, Utah. Comments due 03/03/2010.	
UT02122010-3	Air Lead-based Paint	02/01/2010	UT Bull. Vol. 2010-3; DAR File No. 33310	Proposed Rule	Utah Division of Air Quality; Utah Department of Environmental Quality Air Quality; Lead-Based Paint Activities [UAC R307-842] Proposes to incorporate federal requirements pertaining to accreditation of training programs for removal of lead-based paint from child-occupied facilities and certain residential housing into UAC R307-842. Public hearing is scheduled for 02/25/2010 at UDEQ in Salt Lake City, Utah. Comments due 03/03/2010.	

2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA02102010-1	Air Emergency Generators	02/01/2010	26:11 Va.R. 1456	Proposed Rule	State Air Pollution Control Board Emergency Energy Generator General Permit [9VAC5-540] Proposes to develop a general permit applicable to new emission units that meet the requirements of an emergency energy generation source, as defined in §10.1-1307.02 of the Code of Virginia. Comments due 03/18/2010.	
VA02102010-2	Air Permits	02/01/2010	26:11 Va.R. 1456	Proposed Rule	State Air Pollution Control Board Peak Shave Generator General Permit Regulations [9VAC5-530] Proposes to develop a general permit for new and existing minor source emissions units that participate in a voluntary demand response program (i.e., load curtailment, demand response, peak shaving or like program) as defined in § 10.1-1307.02 B 4 of the Code of Virginia. Comments due 03/18/2010.	
VA02102010-3	Air Stationary Source Permits	02/01/2010	26:11 Va.R. 1642	Proposed Rule	State Air Pollution Control Board New and Modified Stationary Sources [9VAC5-50], Permits for Stationary Sources [9VAC5-80] Proposes amendments to establish procedural and legal basis for the issuance of new source permits for a proposed new stationary source or a project at an existing stationary source, which would do the following: <ul style="list-style-type: none"> ▪ Enable VDEQ to conduct a pre-construction review. ▪ Assess the air quality impact of emissions from the source. ▪ Provide a state and federally enforceable mechanism to enforce permit program requirements. Comments due 05/03/2010.	
VA02102010-4	Waste Hazardous Waste	02/01/2010	26:11 Va.R. 1678	Final Rule	Virginia Waste Management Board Virginia Hazardous Waste Management Regulations [9VAC20-60] Incorporates by reference the following federal regulations: <ul style="list-style-type: none"> ▪ Hazardous Waste Management System (40 CFR 260) ▪ Identification and Listing of Hazardous Waste 40 CFR 261 ▪ 40 CFR 270 Exceptions are noted. Effective either 03/03/2010 or effective date in incorporated reference, whichever is first.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA02102010-5	Waste Solid Waste	02/01/2010	26:11 Va.R. 1682	Final Rule	<p>Virginia Waste Management Board</p> <p>Solid Waste Management Regulations [9VAC20-80]; Coal Combustion Byproduct Regulations [9VAC20-85]; Vegetative Waste Management and Yard Waste Composting Regulations [9VAC20-101]; Transportation of Solid and Medical Wastes on State Waters [9VAC20-170]</p> <p>Re-defines "disclosure statement" by eliminating the requirement for providing social security numbers for key personnel. Also revises the definition of solid waste so that the use, reuse, or reclamation of unamended coal combustion byproduct cannot be excluded or exempted. Effective 03/03/2010.</p>	
VA02102010-6	Water Effluent Guidelines	02/01/2010	26:11 Va.R. 1699	Final Rule	<p>State Water Control Board</p> <p>Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation [9VAC25-31-30]</p> <p>Incorporates by reference federal effluent guidelines, including, but not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Electroplating (40 CFR 413) ▪ Hospitals (40 CFR 460) ▪ Metal molding and casting (40 CFR 464) ▪ Toxic pollutant effluent standards (40 CFR 129) ▪ Transportation equipment cleaning (40 CFR 442) 	